

OFFICIAL COPY

Fresno, California January 25, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Father Keith Axberg of the Holy Family Episcopal Church gave the invocation, and Councilmember Sterling led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO CHRIS TORRES AND GERARDO QUINTEROS MORALES - PRESIDENT DAGES AND THE FIRE DEPARTMENT

Read and presented to Mr. Torres (Mr. Morales not present).

PROCLAMATION OF "MARY SAVALA DAY" FOR HER SERVICE TO THE SAN JOAQUIN CONSERVANCY - COUNCILMEMBER CALHOUN

Read and presented.

PROCLAMATIONS TO DISTRICT 2 ENTITIES IN PINEDALE - COUNCILMEMBER CALHOUN

Proclamations were presented to Home Depot, Kaiser Permanente and C.U.R.E. (Coalition for Urban Renewal Excellence) for their contributions to the Pinedale community.

PROCLAMATION OF "PRINCIPAL MAO MISTY HER DAY" - COUNCILMEMBER PEREA

Read and presented to Ms. Her's representative.

PRESENTATION OF RECOGNITION AWARDS TO DISTRICT 7 STUDENTS - COUNCILMEMBER PEREA

Presented.

PRESENTATION OF CERTIFICATES TO THE WINTER QUARTER P.R.I.D.E. TEAM

Certificates were presented to Vickie Calderon, Mayor/Council/Manager/City Clerk Departments; Michael Everitt, Airports; Randy Schwan and Pauline Tolentino, Finance; Christine Mott, Fire; Judith Nishi, Gerald Shepherd and Ronald Maltos, Fresno Area Express; Ulysses Grant and (2 - 0) Charlie Stanley, General Services/Facilities Management; Jeff Hilton, Information Services; Josie Kubiak, Heidi Bazan and Joe Ramirez, Parks, Recreation & Community Services; Kerry Peyton, Personnel Services; Ana Manzula and Caroline Hyder, Planning & Development; Henry Dominguez, Lorrie Emerson, Rodney Neilson and Cynthia DeSoto, Police; Ernesto Flores, Eugene Woods, Daniel Cravins, Donna Leslie and Chad Colby, Public Utilities; and Ken Chamberlain, Bradley Oberg, Sean Russ and Bruce Abbott, Public Works. A reception was held immediately following to honor the employees.

RECESS - 9:35 A.M. - 9:51 A.M.

APPROVE MINUTES:

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of January 11, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO COUNCILMEMBERS STERLING AND PEREA AND COUNCIL STAFF LUIS MENDOZA, REGINA PETERS AND SHERRY VARGAS FOR THEIR WORK ON THE ZOO BOARD - COUNCILMEMBER BOYAJIAN

Commendation made.

CONCERN WITH (1) LACK OF STAFF REPORT IN DECEMBER AS PROMISED BY STAFF ON THE TRANSFER OF THE MEDIAN ISLAND LANDSCAPING FUNCTION FROM PARKS & RECREATION TO THE STREETS DIVISION, AND (2) COMPLAINTS RECEIVED FROM HIS CONSTITUENTS ON LACK OF LANDSCAPING - COUNCILMEMBER CALHOUN

Concerns expressed with Councilmember Calhoun stating he wanted to know when the report would be brought forth and what staff's plan of action was. After the following comments by Councilmember Duncan, City Manager Hobbs advised a draft report on the issue was in the works and would be finalized and submitted to Council.

(1) MID YEAR BUDGET REVIEW, AND (2) INFRASTRUCTURE SUMMIT IN JUNE - COUNCILMEMBER DUNCAN

Upon question of Councilmember Duncan, City Manager Hobbs stated a date for the mid-year review had not yet been scheduled, and relative to the summit Councilmember Duncan reiterated he would meet with staff or whoever was in charge of putting on the summit to ensure there will be a clear understanding of what he will be expecting and looking for.

REQUEST FOR STAFF REPORT ON RESIDENTIAL STREET REPAVING AND RECONSTRUCTION (SIMILAR TO THE ONE PREPARED FOR "NO NEIGHBORHOOD LEFT BEHIND") INCLUDING ANTICIPATED COST AND CRITERIA FOR IMPROVEMENTS - COUNCILMEMBER PEREA

Request made with City Manager Hobbs responding.

DIRECT STAFF TO SCHEDULE THE TREE ORDINANCE FOR CONSIDERATION IN ONE WEEK UNDER CITY COUNCIL (UNDER NAMES OF PEREA AND DAGES) - PRESIDENT DAGES

Direction made.

COMMENDATION TO (1) STREETS STAFF FOR ADDRESSING THE KINGS CANYON MEDIAN ISLAND LANDSCAPING PROBLEM, AND (2) JET LIM, COMMUNITY SANITATION, FOR GRAFFITI CLEAN-UP ON KINGS CANYON AND ADLER AVENUE - PRESIDENT DAGES

Commendations made.

APPROVE AGENDA:

(3-C) REQUEST TO RECONSIDER COUNCIL ACTION TAKEN ON DECEMBER 21, 2004, RELATIVE TO GRANITE PARK, AND

CONSIDER RESCINDING RES. 2004-479 WHICH (1) APPROVED AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE ZONE SPORTS CENTER, LLC, AND THE GRANITE PARK KID'S FOUNDATION RELATING TO A 42-ACRE RETAIL COMPLEX AND ADJACENT SPORTS FIELD, (2) APPROVED THE PRIMARY TERM SOF A CONTINGENCY PURCHASE AGREEMENT BETWEEN THE CITY AND BANK OF THE WEST RELATING TO THE SPORTS FIELD, AND (3) AUTHORIZED THE EXECUTION AND DELIVERY OF THE AGREEMENTS AND DOCUMENTS AND TAKING OF ALL NECESSARY ACTIONS RELATING TO THE TRANSACTIONS - COUNCILMEMBER BOYAJIAN

145-25

1/ 25/05

Councilmember Boyajian stated he met with the Controller on his concerns and at his request and by Council consensus the above matter was laid over one week to allow staff to address the concerns.

(10:45 A.M.) RESOLUTION - 428TH AMENDMENT TO MFS RES. 80-420 MODIFYING THE FIRE INSPECTION FEES UNDER THE FIRE DEPARTMENT SECTION

Councilmember Westerlund stated this was a new issue to him and requested action be delayed one week to allow time for him to research the matter and talk with some people as he was uncomfortable acting on the issue this date.

Councilmember Boyajian made a motion to lay the matter over one week, which motion was seconded by Councilmember Duncan.

Councilmember Calhoun spoke in opposition to a delay, stated hearing the matter this date might be helpful to Councilmember Westerlund, and added the Chamber of Commerce might show up at the scheduled time. Councilmember Westerlund stated that was fine with him if that was Council's will but reiterated he would not be ready to vote this date. President Dages concurred with Councilmember Calhoun and Councilmember Boyajian spoke in support of a delay stating if one does not understand an issue questions can not be articulated and added information was needed to make a decision and he had no problem with a continuance.

By Council consensus, it was determined to hear the matter this date as scheduled and a decision could be made at that time whether to continue it or not. (*NOTE - After the following matter a vote was taken on the motion to lay the matter over one week).

(1-S) BILL (FOR INTRODUCTION) - AMENDING CHAPTER 10, ARTICLE 1601, OF THE FRESNO MUNICIPAL CODE TO ADOPT CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF SPECIAL SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY OF FRESNO

City Clerk Klisch advised the corrected title was: "*Bill for introduction adopting changes and additions to the official list of special speed zones designating speed limits for various streets within the city of Fresno pursuant to FMC Chapter 10, Article 1601*". So noted and corrected.

(10:45 A.M.) RESOLUTION - 428TH AMENDMENT TO MFS RES. 80-420 MODIFYING THE FIRE INSPECTION FEES UNDER THE FIRE DEPARTMENT SECTION (CONTINUED FROM EARLIER)

Councilmember Duncan noted a fair request and a motion and a second was made earlier to lay the matter over one week and that motion needed to be voted on, and stated he felt it would be appropriate to give they delay as requested.

A motion of Councilmember Boyajian, seconded by Councilmember Duncan, to lay the 10:45 a.m. item over week failed, by the following vote:

Ayes :	Boyajian, Duncan, Westerlund
Noes :	Calhoun, Perea, Sterling, Dages
Absent :	None

(1-J) AWARD A CONTRACT TO LANE ELECTRIC, INC., FOR FIELD LIGHTING UPGRADES AT VARIOUS CITY PARKS

Removed from the agenda by staff.

(4:30 P.M.) CONTINUED HEARING ON THE PLANNING COMMISSION'S DECISION ON CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-02-226, AND ENVIRONMENTAL FINDINGS, FILED BY WILKINS ENTERPRISES
(REQUEST TO CONTINUE TO APRIL 19, 2005, AT 4:30 P.M.)

Continued as requested.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

145-26

1/ 25/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

- - - -

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to various issues relative to Items **1-G, 1-H, 1-I, 1-K, 1-M, and 1-O**, and also in general to the great job Council and staff were doing.

Councilmember Duncan pulled item **1-S**, Councilmember Calhoun pulled Items **1-G** and **1-M**, and Councilmember Perea pulled Item **1-L** for discussion under "Contested Consent Calendar".

(1-A) APPROVE COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR IMPROVEMENTS ASSOCIATED WITH THE RELINQUISHMENT OF KINGS CANYON ROAD FROM CHESTNUT TO CLOVIS AVENUES

1. RESOLUTION NO. 2005-21 - AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE COOPERATIVE AGREEMENT ON BEHALF OF THE CITY

(1-B) RESOLUTION NO. 2005-22 - INTENT TO ANNEX FINAL TRACT NO. 5321 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 59, AND SETTING THE PUBLIC HEARING FOR MARCH 1, 2005, AT 10:00 A.M.

(1-C) APPROVE THE REVISED THREE-YEAR UNDERGROUND UTILITY DISTRICT PLAN

(1-D) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH BLAIR, CHURCH AND FLYNN FOR ON-DEMAND PROFESSIONAL CIVIL ENGINEERING CONSULTING SERVICES FOR THE DEPARTMENT OF AIRPORTS IN AN AMOUNT NOT TO EXCEED \$150,000 FOR ALL SUBSEQUENT SMALL PROJECTS AS THEY MAY BE NEEDED, EXTEND THE TERM TO JUNE 30, 2007, AND AUTHORIZE THE DIRECTOR OF AVIATION AND PUBLIC WORKS DIRECTOR TO EXECUTE THE AMENDMENT

(1-E) APPROVE AMENDMENT NO. 2 TO THE AGREEMENT WITH INTEGRATED DESIGNS FOR ON-DEMAND PROFESSIONAL ARCHITECTURAL CONSULTANT SERVICES FOR THE DEPARTMENT OF AIRPORTS IN AN AMOUNT NOT TO EXCEED \$200,000 FOR ALL SUBSEQUENT SMALL PROJECTS AS THEY MAY BE NEEDED, EXTEND THE TERM TO JUNE 30, 2007, AND AUTHORIZE THE DIRECTOR OF AVIATION AND PUBLIC WORKS DIRECTOR TO EXECUTE THE AMENDMENT

(1-F) APPROVE A COST REIMBURSEMENT AGREEMENT, SUBJECT TO CITY ATTORNEY APPROVAL AS TO FORM, FOR \$2,200,000 WITH THE STATE CENTER COMMUNITY COLLEGE DISTRICT TO CONSTRUCT A PORTION OF THE WATER SUPPLY PIPELINE THAT WILL DELIVER WATER FROM THE FRIANT-KERN CANAL TO THE SURFACE WATER TREATMENT FACILITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO ENTER INTO THIS AGREEMENT ON BEHALF OF THE CITY

1. RESOLUTION NO. 2005-23 - 57TH AMENDMENT TO AAR 04-209 APPROPRIATING \$1,063,500 FROM RETAINED EARNINGS IN THE WATER ENTERPRISE FUND TO FUND THE CONSTRUCTION PROJECT

(1-H) AWARD A CONTRACT TO W. M. LYLES COMPANY IN THE AMOUNT OF \$366,650 FOR CONNECTION OF EXISTING SEWER SYSTEMS AT MARKS AND WEST AVENUES

(1-I) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO MYERS BROS. WELL DRILLING, INC. IN THE AMOUNT OF \$2,492,541.75 TO DRILL NEW WATER PRODUCTION WELLS

(1-K) RESOLUTION NO. 2005-24 - AUTHORIZING THE CONTROLLER, THE ASSISTANT CONTROLLER, THE TREASURY OFFICER, THE PRINCIPAL ACCOUNTANT FOR THE ACCOUNTING DIVISION AND THE SENIOR ACCOUNTANT-AUDITOR FOR THE TREASURY SECTION, AS FINANCE OFFICERS, TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND

COMMERCIAL BANKING DOCUMENTS, IN ORDER TO PERFORM CERTAIN DUTIES NECESSARY FOR THE DAY-TO-DAY OPERATIONS OF THE CITY, AND PROVIDE VERBAL INSTRUCTION AS REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS

145-27

1/ 25/05

(1-N) RESOLUTION NO. 2005-25 - 16TH AMENDMENT TO PAR 2004-210 ADDING 12 ADDITIONAL FIREFIGHTER POSITIONS TO THE FIRE DEPARTMENT BEGINNING FEBRUARY 14, 2005, THROUGH JUNE 30, 2005, FOR A TOTAL OF 4.5 FULL TIME EQUIVALENTS

(1-O) RESOLUTION NO. 2005-26 - 42ND AMENDMENT TO AAR 2004-209 TRANSFERRING \$300,000 FROM THE REPAIR AND MAINTENANCE FACILITY PROJECT TO THE DESIGN WORK FOR FIRE STATION 16 AND THE STATION AT MARKS AND BELMONT AVENUES

1. AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RRM DESIGN GROUP IN AN AMOUNT NOT TO EXCEED \$440,000, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-P) RESOLUTION NO. 2005-27 - AUTHORIZING AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR REDESIGNATION (RENEWAL) OF THE FRESNO COUNTY RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) PROGRAM

(1-Q) APPROVE A FIVE YEAR LEASE AGREEMENT WITH THE CALIFORNIA HOME FOR THE AGED, SUBJECT TO ISSUANCE OF A CONDITIONAL USE PERMIT (CUP) WHICH WILL ALLOW THE CITY TO CONSTRUCT AND OPERATE A 10 ACRE GROUNDWATER RECHARGE BASIN, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-R) RESOLUTION NO. 2005-28 - AUTHORIZING THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN A SPECIFIC PROJECT AGREEMENT WITH THE FRESNO COUNTY TRANSPORTATION AUTHORITY FOR THE CONSTRUCTION OF A FRONTAGE ROAD FROM THE HUGHES-WEST DIAGONAL TO MARKS AVENUE

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

(9:30 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING COMMENTS MADE BY CITY STAFF TO LAFCO RELATIVE TO CITY EXPANSION

Appearance made.

(10:00 A.M.) CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 85, PARCEL MAP NO. 03-24

1. RESOLUTION NO. 2005-29 - ANNEXING TERRITORY TO CFD NO. 2, ANNEXATION NO. 85, PARCEL MAP NO. 03-24

2. RESOLUTION NO. 2005-30 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2005-31 - DECLARING ELECTION RESULTS

4. BILL NO. B-5 - ORDINANCE NO. 2005-7 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to CFDs and resident's concerns.

Upon call, no one else wished to be heard and President Dages closed the hearing.

145-28

1/ 25/05

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-29, 2005-30, and 2005-31 hereby adopted and the above entitled Bill No. B-5 adopted as Ordinance No. 2005-7, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(10:15 A.M.) CONTINUED HEARING TO CONSIDER A RESOLUTION VACATING A PORTION OF N. MARKS AVENUE SOUTH OF FREEWAY 99, AND TO AUTHORIZE AND DIRECT THE PUBLIC WORKS DIRECTOR TO EXECUTE QUITCLAIM DEEDS SO THAT FEE TITLE TO THE VACATED AREA SHALL PASS TO CENTRAL VALLEY RV OUTLET

1. RESOLUTION NO. 2005-32 - ORDERING THE VACATION AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE NECESSARY DOCUMENTS

President Dages announced the time had arrived to consider the issue hearing and opened the hearing. Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted, advised an environmental assessment was conducted and resulted in no significant impacts, and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned if there were dollars associated the passage of fee title.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling spoke in support of the issue and made a motion to approve staff's recommendation, and Mr. Kirn responded briefly to questions of Councilmember Westerlund relative to size of the area, policy for fee title, and effective date **(3 - 0)**.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-32 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

(2-A) APPROVE APPOINTMENT OF A MEMBER REPRESENTING THE CITY FRESNO TO THE FRESNO COUNTY TRANSPORTATION AUTHORITY

Councilmember Duncan stated he would appreciate being considered for appointment, he believed in rotating appointments and felt this was an area where he could contribute greatly, and committed to Council to keep them informed and aware of issues if appointed. A motion and second was made to appoint Councilmember Duncan.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Sterling clarified appointments to the Mayor/Council Economic Development Task Force were made by the Council President and not the Mayor; noted currently 3 council members were on the EDC task force and questioned if that was a violation of the Brown Act; stated she felt all boards and commission meetings should be publicly noticed; relative to the subject appointment spoke to the knowledge/experience a council member gains while serving on a board and to the importance of continuity for stability of the board; noted Councilmember Perea's interest/efforts were in the areas of transportation and the environment and Council needed to consider that versus just a member's interest in serving; and again noted Councilmember Perea submitted in writing his interest in being reappointed and questioned why that was not included in the material. Relative to comments on noticing City Attorney Montoy

explained the differences between committees, ad hoc committees and standing committees, advised a previous memo to council on that issue could be re-circulated, and stated if it was council's desire to notice all committee meetings a policy would have to be adopted.

Councilmember Boyajian spoke briefly to the uniqueness of some committees and those that were created by some council members due to that member's special interest.

145-29

1/ 25/05

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, Councilmember Duncan appointed to the Transportation Authority, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Westerlund, Dages
Noes :	Perea, Sterling
Absent :	None

Councilmember Calhoun requested Councilmember Duncan keep council informed on what the authority was doing relative to funding a major study on county-wide transportation and transportation initiatives the city was working on. Councilmember Duncan stated he would keep council informed and requested council members prepare a list of needed major road improvements in their districts and submit it to him.

(10:30 A.M.) PRESENTATION OF A CHECK BY PG&E FOR THE MUNICIPAL SERVICE CENTER SOLAR ENERGY PROJECT

General Services Director Nerland spoke briefly to the solar project; acknowledged Morgan Adams representing Power Light of Berkeley, CA, the vendor who supplied the system, who was in attendance and thanked him for coming; spoke to the total cost of the project and to how the City's investment in the project was cut in half through a PG&E incentive and to the savings that will be generated over the years; advised the project was recognized by the EPA and the City was awarded a plaque in recognition of the achievement; and introduced state and local PG&E officials who were in attendance to present a check to the city.

Tom Boddorf, Senior Vice President of PG&E, San Francisco, presented Mayor Autry with a with a solar rebate check in the amount of \$2,062,500 and stated this was one of the largest rebates ever awarded by PG&E. Mayor Autry and Councilmembers Perea and Sterling commented briefly and thanked PG&E for the rebate and partnership.

(2-C) REQUEST COUNCIL APPROVE THE SELECTION AND AWARD A CONTRACT TO ACE PARKING SERVICES, INC., TO PROVIDE PARKING FACILITIES MANAGEMENT SERVICES IN DOWNTOWN FRESNO

Transportation and Parking Affairs Manager Madewell gave an overview of the issue and RFP process that was undertaken, and advised ACE Parking scored the highest in the process and requested Council accept staff's selection and award the contract to ACE Parking.

Steve Burton, President of ACE Parking, spoke briefly to the issue and their work at the airport and requested Council's support.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Boyajian spoke to AMPCO's long time service to the city and their great employees and presented questions relative to whether any complaints had been made against AMPCO, what the difference was financially between AMPCO and ACE, where ACE's savings would come from, and AMPCO's long-term contract and if any criteria changed. Councilmember Boyajian stated unless this was a dollars and cents issue this made no sense to him as AMPCO was already doing the job and had done a tremendous job for many years. Upon question of Councilmember Perea, Mr. Burton confirmed the savings to the city would not come "on the backs" of employees at any level. Councilmember Calhoun stated a good process was undertaken and staff was diligent, and made a motion to approve staff's recommendation.

Mr. Madewell responded to questions of President Dages relative to whether parking for the vacant hotel was still being set aside for the hotel and valet parking for Club One and if it would return under ACE's contract.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the selection of, and

award to, ACE Parking Services, Inc., to provide professional parking facilities management services at city-owned downtown lots and garages hereby approved, and the city manager or designee authorized to sign the original three-year contract and the one-year extensions on behalf of the city of Fresno, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

145-30

1/ 25/05

(10:45 A.M.) RESOLUTION - 428TH AMENDMENT TO MFS RES. 80-420 MODIFYING THE FIRE INSPECTION FEES IN THE FIRE DEPARTMENT SECTION

Chief Bruegman reviewed the issue as contained in the staff report as submitted and recommended the resolution be adopted.

Speaking in support of staff's recommendation were: Barbara Hunt, 2475 S. Walnut; and Steve Newvine, Chamber of Commerce.

Chief Bruegman, Fire Marshal Konis, Controller/Finance Director Quinto and Chief Assistant City Attorney Sanchez responded at length to questions, comments and concerns of Councilmember Duncan relative to current number of inspectors, how hiring only eight additional inspectors would accomplish 100% of the inspections when the staff report indicated the current seven were only able to do 15%, if the department would be making another request next year for additional inspectors, **(4 - 0)** what citizens should expect to see relative to having fewer business-related fires and how many fires last year would have been prevented if the additional inspectors had been in place, Councilmember Duncan clarifying he was not opposed to getting the additional inspectors but was concerned with the process by which the inspectors would be financed, if business owners pay an additional tax on their business sales (gross receipts business tax), revenues received annually from the business tax and if staff is seeing an increase every year, where those revenues go, the business community contributing an extra \$15 million a year to the general fund over and beyond what private citizens contribute, and if the fire inspection "fee" was mandatory and not optional. Councilmember Duncan stated money was available to hire the inspectors but by choice the funds were not being allocated properly, noted it was his understanding general fund revenues were also looking better than originally anticipated, stated he was also disappointed that council was not given financing options for the eight positions other than saying "let's just raise fees" adding that was not fair to the business community and taxpayers, stated there always seemed to be money available to hire "fifteen kazillion" consultants but when it comes to important things like public safety suddenly the money is all gone and "taxes need to be raised", and stated he hoped no action would be taken today and he wanted to see another option, like using increases in general fund revenues from other areas, come back to council.

Councilmember Sterling stated she had concerns originally for the smaller and older struggling businesses but after talking with the Chief and his staff about the fees being based on square footage and hazard type her concerns were alleviated; thanked the Chamber of Commerce for their review and input and explained; stressed the department was understaffed and had many needs, no one liked fees, and if something was not done to improve the department they would not be able to handle a major attack or fire; and made a motion to adopt the resolution, which motion was seconded by Councilmember Calhoun. Councilmember Sterling requested staff take the time and give their attention to Councilmember Westerlund, as they did for her, to address his questions.

Councilmember Boyajian questioned if businesses would or would not be charged the first time an inspection is made, stated the city needed to be run like a business and not subsidize fees all the time, questioned if staff has found people do not go through the proper permitting process when rehabbing a building, and expressing his support for the issue and thanked staff, with Chief Bruegman responding throughout. Councilmember Perea concurred inspectors were needed but stated he was not convinced taxes needed to be raised to get there, and stated Council really needed to look at all the consultants the city hires to tell us what the city manager and department heads should be telling us stressing that was a huge waste of money, and added maybe the needed funds for the inspectors could be found in the "consultant pot".

Councilmember Westerlund stated as the new member he wanted to be fair and understand all sides, added he was struggling with the framework on how often inspections are made, etc., stated he represented many small businesses and he was also concerned with the city's attitude to raise fees when it is strapped for cash, and reiterated he wanted to understand the entire picture, stated he wanted to sit down and talk with senior inspectors, thanked the Chamber for their input, and made a motion to table so he could further research and review issues.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled

10:45 a.m. item tabled one week to February 1st at 10:45 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Westerlund, Dages
 Noes : Perea, Sterling
 Absent : None

(2-B) DIRECTION REGARDING SIGN ORDINANCE REVISIONS

Councilmember Duncan recused himself due to a conflict of interest and left the meeting at 11:38 a.m.

145-31

1/ 25/05

Planning & Development Director Yovino reviewed the issue as contained in the staff report as submitted and recommended the sign ordinance revisions be incorporated into the Zoning Ordinance update process.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun spoke at length to how communities are visually judged, cities' authority to regulate signs, the many illegal/non-conforming signs throughout this city that have been illegal for some time, illegal signs that are safety issues, the need to aggressively go after violators and exempt no one, and the need for staff to develop a long-term plan to address non-conforming signs, and Councilmembers Westerlund and Boyajian presented questions and/or commented on whether illegal signs are dealt with on a complaint-only basis, when there would be a comprehensive update of the Zoning Ordinance, if staff sees efficiencies with an updated Zoning Ordinance, funds allocated for the update, difficulty for some businesses to spend a lot of money on signs for conformance, need to exempt those with responsible and visually pleasing signs, and the "double standard" with subdivision advertising in the north area **(5 - 0)**, with Mr. Yovino and Chief Assistant City Attorney Sanchez responding throughout. A motion and second was made to approve staff's recommendation. Mr. Yovino and Mr. Sanchez responded additionally to questions of Councilmember Perea, President Dages and Councilmember Boyajian relative to yard sale signs and what needs to be done to make that issue a priority, gun show signs, need to educate the public, council members taking down illegal sign and giving them to staff to fine those responsible, working with Fresno County and the school districts on an agreement to enforce illegal signs in their jurisdictions and the city's sphere of influence, and if illegal signs could be perpetuated by fines to help staff enforce.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, staff directed to incorporate the Sign Ordinance revisions into the pending comprehensive Zoning Ordinance update process, with the current sign regulations to be actively enforced, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None
 Recused : Duncan

LUNCH RECESS - 12:09 P.M. - 2:01 P.M. All members were present.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-G) SUBMISSION FOR INFORMATIONAL PURPOSES OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT ("CAFR") REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2004

Councilmember Calhoun spoke to the importance of the issue, to the exceptional job done by the Retirement Board staff, and stated he pulled the item for discussion so the public understands the good position the Retirement Systems are in. Upon his request, Retirement Administrator McDivitt and Controller/Finance Director Quinto expanded further on the Retirement Systems being strong and well funded and reasons therefor, all as contained in the staff report as submitted, and responded to questions of Councilmember Westerlund relative to the Retirement Board and City Council's relationship, if Council has no authority over the Board other than the

contributions given, who would be responsible if an accounting problem were made, if the Board in and of itself was independent from the City Council, what Ms. Quinto's relationship was to the Board, and if the Controller conducts an official actuarial audit.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the Comprehensive Annual Financial Report hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-L) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE KINGS RIVER CONSERVATION DISTRICT (KRCD) AND OTHER PUBLIC AGENCIES TO ASSESS THE FEASIBILITY OF FORMING A COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM

145-32

1/ 25/05

Councilmember Perea spoke in strong support of the issue stating he was glad to see this come forward, and presented questions relative to where the City was in the process, what staff was hoping to accomplish with this, at what point the community would get involved/give their input, if communities would have the option to buy energy from a new entity, what this will do for clean energy, and the State requirement for utilities to produce a certain portion of their energy output by the year 2010, with Public Utilities Director McIntyre and Dave Orth, KRCD General Manager responding.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the MOU with the Kings River Conservation District and other public agencies to assess the feasibility of forming a Community Choice Aggregation (CCA) program within the KRCD hereby approved, and the Director of Public Utilities authorized to execute the MOU and represent the City on a joint CCA Program Management Committee, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-M) APPROVE A \$1.5 MILLION HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM AGREEMENT WITH GENEVA VILLAGE, L.P. FOR THE CONSTRUCTION OF A 142-UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT ON E. CHURCH AVENUE WEST OF ELM AVENUE IN SOUTHWEST FRESNO

Councilmember Calhoun stated this was a good project but his issue was what maintenance mechanism(s) was in place to ensure the housing project does not become a slum in a few years adding it does no good for the city to provide affordable housing and "pat ourselves on the back" and then let it deteriorate or "go to pot" in a few years, with HCD Manager Sigala responding.

Mr. Squier, Squier Properties, responded to comments and/or questions of Councilmembers Boyajian and Westerlund relative to the wonderful job Squier did with the Hotel California project and Squier's good track record, what the anticipated service life was of the apartments, deed restrictions, and life of the loan. Councilmember Sterling concurred Squier did a magnificent job with the Hotel California, spoke further to this project and stated it would be an upscale project and a great asset to her area, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Home Investment Partnerships (HOME) program agreement hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(1-S) BILL NO. B-6 - (FOR INTRODUCTION) - ADOPTING CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF SPECIAL SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY OF FRESNO, PURSUANT TO FMC CHAPTER 10, ARTICLE 1601

Councilmember Duncan stated upon reading the staff report he did not get a good sense that what was being done here and why was fully explained, advised a media member's first reaction to this was that it was some grand conspiracy about traffic tickets and doing something to get more tickets, and upon his request Traffic Engineering Manager Benavides **(6 - 0)**clarified no existing posted speed limits were being changed and the list was being updated to account for new growth/streets and elaborated. A motion and second was made to introduce the ordinance. Councilmember Boyajian spoke to streets in his district where he wanted the speeds lowered, and questioned how that could be done and how speed limits are set, with Mr. Benavides responding.

City Attorney Montoy clarified this was not an ordinance updating the Fresno Municipal Code but was an ordinance consistent with the code, it was an un-codified ordinance, and it was mainly paperwork that was being updated.

President Dages spoke to his frustration with some of speed limits in his district that need to be lowered, identified the streets, and questioned what could be done, with Mr. Benavides and Capt. Hall responding. Upon question of Councilmember Boyajian, Mr. Benavides stated Council could submit their concerns to public works staff, and along with Assistant Traffic Engineering Manager Walls responded

145-33

1/ 25/05

additionally to questions of Councilmember Westerlund relative to what is entailed in studies, criteria and State guidelines, if prevailing speeds are considered, and if speed monitoring is done at a specific time of the day.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-6 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, ET AL. L.P.

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)

(C) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: HERITAGE FRESNO, FRIENDS OF ARMENIAN TOWN V. RDA; SUP. COURT NO. 05CECG00012

The City Council met in regular closed session and in joint closed session with the Redevelopment Agency in Room 2125 at the hour of 3:07 p.m. to consider the above issues and reconvened in regular open session at 4:35 p.m.

(3-A) ESTABLISH A COUNCIL BUDGET COMMITTEE TO WORK WITH THE BUDGET DIVISION REGARDING THE FY 2006 BUDGET - PRESIDENT DAGES

President Dages stated he scheduled this as an informational item, advised he met with the Mayor on this and he was agreeable to a council budget committee, advised he wanted to appoint Councilmembers Duncan, Perea and Westerlund to the committee, and upon his question City Attorney Montoy advised council members to give their budget concerns/issues to committee members in open public session and advised against committee members sending their assistants to meetings. Councilmember Boyajian urged committee members to communicate with the Council stating he wanted open communication, and President Dages recommended council members give their concerns to the committee during "Councilmember Reports and Comments" or "Oral Communication/Public Comment Period". There was no further discussion.

(3-B) REQUEST PRESENTATION AND INFORMATION FROM THE CITY MANAGER ON THE NEW PERFORMANCE-BASED PAY FOR MANAGERS AS OUTLINED AND REQUESTED IN THE STAFF REPORT - COUNCILMEMBER CALHOUN

Laid over one week at the direction of Councilmember Calhoun.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:39 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

APPROVED on the ____1st____day of February, 2005.

_____/s/_____.ATTEST:_____/s/_____

Mike Dages, Council President

Yolanda Salazar, Assistant City Clerk